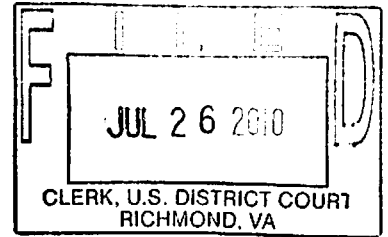


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ePLUS, INC.,

Plaintiff,

v.

Civil No. 3:09cv620

LAWSON SOFTWARE, INC.

Defendant.

ORDER

Having considered the PLAINTIFF'S MOTION IN LIMINE NO. 9 TO PRECLUDE DEFENDANT LAWSON SOFTWARE, INC. FROM PROFFERING TESTIMONY, EVIDENCE, OR ARGUMENT OF IMPROPER COMPARISONS BETWEEN ACCUSED PRODUCTS AND COMMERCIAL EMBODIMENTS OF EPLUS, INC. AND ITS PREDECESSORS FOR THE PURPOSE OF PROVING NON-INFRINGEMENT (Docket No. 280), it is hereby ORDERED that the motion is granted because the parties agree that comparison between the accused products and the Plaintiff's commercial embodiments cannot properly be used for the purpose of proving infringement or non-infringement. To the extent that the proposed comparisons are offered for the alternative purpose of proving commercial success, the motion is granted because the comparisons are of marginal relevance and any probative value is substantially outweighed by the risk of jury

confusion and unfair prejudice under FED. R. EVID. 403.

The issues are adequately briefed and oral argument would not materially aid the decisional process.

It is so ORDERED.

                    /s/                    REP                      
Senior United States District Judge

Richmond, Virginia  
Date: July 23, 2010